

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	
)	CR 12-277
JAAMAYL CROSBY,)	
)	
Defendant.)	

ORDER

AND NOW, this 17th day of March, 2015, upon consideration of Defendant Jaamayl Crosby's pro se motion to reduce sentence (Document No. 54), filed in the above-captioned matter on January 20, 2015,

IT IS HEREBY ORDERED that said motion is DENIED.

Defendant asserts that, despite the fact that he completed the United States Bureau of Prisons ("BOP")'s 500-hour comprehensive drug treatment program, the BOP did not award him any credit toward the service of the sentence imposed by this Court for completing this program. He therefore asks the Court to award him one year of credit toward his sentence for completing the 500-hour program and otherwise engaging in rehabilitative measures while incarcerated. However, it is the BOP, and not the sentencing court, that determines what credit can be awarded toward the service of a sentence for completion of the 500-hour program under 18 U.S.C. § 3621(e)(2)(B), and the BOP has discretion in determining any such credit. See Lopez v. Davis, 531 U.S. 230, 241 (2001); Calimas v. Graber, 2010 WL 3002137, at *1 (D. Ariz. July 13, 2010). Accordingly, this Court has no authority to reduce Defendant's sentence as requested merely because the BOP did not.

The Court notes that Defendant does not in any way challenge the basis or validity of the BOP's determination. Rather, he asks the Court to award credit since the BOP did not. To the extent that Defendant wishes to challenge the validity of the BOP's decision, he must follow the proper procedure to raise such a challenge. See United States v. Jones, 74 Fed. Appx. 180, 182 (3d Cir. 2003); United States v. Taylor, 2008 WL 4826307 (E.D. Mo. Nov. 4, 2008).

s/ Alan N. Bloch
United States District Judge

ecf: Counsel of record

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